

TEMPORARY

NO. 66328-T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 05 2000

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 18 1992 under 57286

The applicant **ConAgra, Inc.**, hereby make application for permission to change the **Point of Diversion and manner of use and place of use** of water heretofore appropriated under **Permit 29512 (Certificate 10560)**

1. The source of water is **Underground**
2. The amount of water to be changed **1.56 c.f.s., 700 g.p.m., 473.31 AFS**
3. The water to be used for **Industrial & Domestic**
4. The water heretofore permitted for **same**
5. The water is to be diverted at the following point of diversion under **Permit 57289 as shown on map filed March 18, 1992 under Permit 57286 Production Well 48A-1 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, T.22N., R.26E. M.D.B.&M or at a point from which the S $\frac{1}{4}$ of said Section 1 bears S.16°50'00" E., a distance of 655.00 feet**
6. The existing permitted point of diversion is located within the **SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, T22N, R26E, MDB&M from which the W $\frac{1}{4}$ corner of said Section 12 bears S 67°59'23" W, a distance of 2,221.09 feet. See map under 29506**
7. Proposed place of use **160 acre - NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T.22N., R.26E. MDB&M**
8. Existing place of use **within the NE $\frac{1}{4}$ of Section 11, T22N, R26E, MDB&M**
9. Use will be from **May 10 to December 10** of each year.
10. Use was permitted from **June 1 to October 31** of each year.
11. Description of proposed works **Existing well and pump under Permit 57289**
12. Estimated cost of works **n/a**
13. Estimated time required to construct works **n/a**
14. Estimated time required to complete the application of water to beneficial use **n/a**
15. Remarks: **Due to the excessive pumping of the resource by Brady Power Partners, the water level has dropped below Applicant's wells. This Application is to change, on a temporary basis, Applicant's point of diversion to one of Brady Power Partner's wells so that fluid can be supplied to Applicant during the 2000 onion drying season. This Application is without prejudice to all of Applicant's contract and other rights.**

By **Robert W. Marshall, Agent**
s/Robert W. Marshall
P.O. Box 2790
Reno, NV 89505

Compared hs/cmf hs/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use, and manner of use of the waters of an underground geothermal source as heretofore granted under Permit 29512, Certificate 10560, is issued subject to the terms and conditions imposed in said Permit 29512, Certificate 10560. No other rights on the source are affected by the change proposed herein.

It is understood that the amount of geothermal fluid herein granted is only a temporary allowance and that the final right obtained under this temporary permit will depend upon the amount actually placed to beneficial use. It is also understood that this right must allow for a reasonable decrease in reservoir pressure and heat. The well shall be constructed and maintained to prevent any waste of the geothermal fluid above or below the surface. The producing well discharge shall be closely monitored and recorded. The amounts of fluid injected back to the reservoir shall also be monitored and recorded to determine the total annual diversion and consumption for beneficial use.

The annulus of any well drilled under this temporary permit is to be cemented from the top of the producing or injection interval to surface, to prevent waste and to prevent any communication with fresh ground water. Only geothermal waters are to be diverted under this temporary permit and the cooled geothermal fluids are to be returned to the source via the injection well.

This temporary permit does not relieve the operator of the requirements of any other state, local or federal agency. This permit does not extend the permittee the right of ingress or egress on public or private lands.

An annual report that documents the amounts of fluids produced, injected and/or consumed shall be filed under this temporary permit not later than on January 31st of the year following the reporting year. Any exploration and subsurface information obtained as a result of this project shall be kept confidential pursuant to Chapter 534A.031 of the Nevada Revised Statutes (NRS).

The total withdrawal of geothermal fluid under this temporary permit shall be limited to 473.31 acre-feet per season. This temporary appropriation permit allows for a total consumptive use of the geothermal fluid that shall not exceed 473.31 acre-feet per season. The State Engineer reserves the right to make findings regarding the consumptive use of the geothermal fluid under this temporary permit and impose additional conditions thereto.

This temporary permit issues subject to the terms and conditions imposed by State Engineer Ruling Number 3894, dated June 26, 1992, and is subject to the Agreements executed by and between Gilroy Foods Inc. and Brady Hot Springs Geothermal Associates, dated December 18, 1987, and by and between Gilroy Foods Inc. and Nevada Geothermal Power Partners, Limited Partnership, dated February 1, 1991.

This temporary permit issues with the understanding that the Monitoring Plan, which is Exhibit A of the Stipulation, dated June 21, 1996, by and between Brady Power Partners and Gilroy Foods Inc., will continue to be implemented. Any modifications of the reservoir-monitoring program shall be approved by the State Engineer, the Nevada Division of Minerals, and the Nevada Division of Environmental Protection.

The total combined withdrawal and consumptive use of geothermal fluid under these Temporary Permits 66328-T, 66329-T, 66330-T, 66331-T, 66332-T, and 66333-T shall not exceed 1,489.62 acre-feet per season.

(CONTINUED ON PAGE 3)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **December 10, 2000** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.56** cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

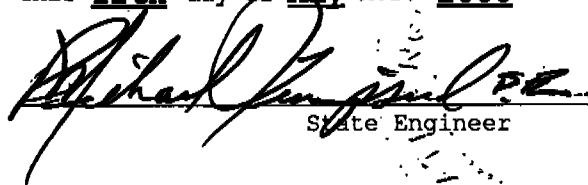
TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office, ~

this **12th** day of **May** A.D. **2000**


State Engineer

EXPIRED
DATE DEC 10 2000

